

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

JOHN DOE,
Plaintiff,

v.

PRAIRIE VIEW A&M UNIVERSITY et al.,
Defendants.

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CIVIL ACTION NO. 4:22-cv-01019

JURY DEMAND

DEFENDANTS' MOTION TO DISMISS

Defendants Texas A&M University Prairie View (“PVAMU,” “University”) and PVAMU officials Alexis Boyd, Latoya Douglas, Daniel Hernandez, Keith T. Jemison, Anwar Phillips, and Steven Ransom (“Individual Defendants”) file this Motion to Dismiss Plaintiff John Doe’s Complaint (“Complaint”) [Dkt. 1] in its entirety pursuant to Federal Rule of Civil Procedure 12(b)(1) and (b)(6), for the following reasons:

1. Plaintiff’s due process claim against the Individual Defendants is barred by the Eleventh Amendment and does not fall within the *Ex parte Young* exception because Plaintiff does not seek prospective relief for an ongoing constitutional violation for which any of these Defendants has enforcement authority.

2. Individual Defendants enjoy qualified immunity from Plaintiff’s due process claim against them in their individual capacities because Plaintiff has not alleged how each Defendant, through his or her own actions, violated Plaintiff’s due process rights, let alone a clearly established constitutional right.

3. Plaintiff has otherwise failed to state a due process or Title IX claim for which relief can be granted, as set forth in greater detail in the attached brief.

WHEREFORE, Defendants ask the Court to dismiss all of Plaintiff's claims against Defendants in their entirety and to do so with prejudice, and to grant any other just and proper relief.

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First Assistant Attorney General

GRANT DORFMAN
Deputy First Assistant Attorney General

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/s/ Benjamin Lyles
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CERTIFICATE OF SERVICE

I certify that that on May 31, 2022 this document was filed electronically via the Court's CM/ECF system, causing electronic service upon all counsel of record.

/s/ Benjamin Lyles
BENJAMIN STOREY LYLES
Assistant Attorney General